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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,845	08/29/2003	Harmel Defretin	68.0353	2840
35204	7590	01/13/2006		
			EXAMINER	
			COLLINS, GIOVANNA M	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/652,845	DEFRETTIN ET AL.	
	Examiner Giovanna M. Collins	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-5,8-19,22-24,26-29 and 39-41 is/are pending in the application.
 - 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) Claim(s) 2-5,9-13,15-19,27-29 and 39-41 is/are allowed.
- 6) Claim(s) 8,22-24,26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/18/05</u>	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey 5,917,160 in view of Almaguer et al. 6,173,773

Bailey discloses a cable (18) having a fiber optic line therein (col. 7, line 67), a tool (36) attached to the line where the tool (36) comprises a casing collar locator (col. 8, line 5) and modulator to modulate optical signal (col. 8, lines 12-15). Bailey discloses the cable can be a wireline but does not disclose the cable is a slickline. Almaguer teaches that wirelines and slicklines are art recognized equivalents for delivering tools in a well (col. 2, lines 58-60). Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982). Therefore, it would be obvious to modify the apparatus disclosed by Bailey to have slickline in view of the teachings of Almaguer because wirelines and slicklines are art recognized equivalents.

Art Unit: 3672

2. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kendall '6,274,816.

Referring to claims 22-23, Kendall discloses a conveyance structure comprising a tube (20) having a bore, a fiber optic line (18) extending through the bore, the conveyance tube not being used to transmit power or data separate for the fiber optic line (col. 2, lines 10-20). Kendall does not state the tube has a diameter less than .5 inch. However, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ215 (CCPA 1980). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus disclosed by Kendall to have a tube which has a diameter less than about .5 inch because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Referring to claim 24, Kendall discloses another fiber optic line (24).

3. Claims 22-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton 4,389,645.

Referring to claims 22-24, Wharton discloses a conveyance tube (12) having a bore, one or more fiber optic lines (25) extending through the bore the conveyance tube not being used to transmit power or data separate for the fiber optic line (col. 2, lines 10-20). Wharton does not state the tube has a diameter less than .5 inch. However, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ215 (CCPA 1980).

Art Unit: 3672

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus disclosed by Wharton to have a tube which has a diameter less than about .5 inch because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Referring to claim 26, Wharton disclose the tool comprises a modulator to modulate optical to represent a well characteristic detected by the sensor (col. 2, lines 1-5).

Allowable Subject Matter

Claims 2-5,9-13,15-19,27-29,39-41 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 8 and 22-24 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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gmc


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